

Remarks

In response to the Office Action dated November 21, 2005, the Applicants submit herewith revisions to claim 1, 14 and 18. These amendments are believed to place the application in condition for allowance and further action to that end is respectfully requested.

The Examiner rejected claim I on the basis of a reference to Parr, US Patent 3,252,426. It will be noted in the prior art reference that the pump 1 supplies fluid through the conduit 14 to a control valve 53. This control valve controls the actuator 49. A branch conduit 14d is connected through a check valve 16 to the accumulator 4 that is connected through the valve 15 to the main system.

The location of the accumulator 4 relative to the check valve 16 means that the accumulator 4 is isolated from the control valve used to control the actuators. Thus, if fluid pressure in the conduit 14 is reduced to zero due to the on-centre positioning of the swashplate, no fluid is available at the control valve 53. The check valve 16 prevents flow from the accumulator 4 to the control valve.

By contrast, the arrangement shown in the present application provides the check valve in the supply line to the control valve and between the source and the control valve. The accumulator is located between the check valve and the control valve so that pressurized fluid in the accumulator is available at the control valve in the event that the pressure in the source is reduced. Thus, the accumulator is able to provide fluid at a pressure sufficient to control the actuator even when the pump is on centre and therefore delivering no flow.

Claim 1 previously on file clearly recited this distinction in that it requires a fluid supply for the actuator and a control valve interposed between the fluid supply and the actuator to control flow to the actuator. The claim then specifies that the fluid supply includes:

- i) a pressurized fluid source
- ii) a hydraulic accumulator; and
- iii) a check valve between the accumulator and the source to inhibit flow from the accumulator to the source.

Such an arrangement is not found in the Parr reference in that the fluid supply for the control valve, which is the branch 14c in Parr does not include an accumulator nor does it include a check valve to control flow from the accumulator.

To clarify the language of claim 1 further, an amendment has been made such that it is now specified explicitly that the hydraulic accumulator applies stored fluid to the control valve and that the check valve is positioned to prevent flow to the source whilst maintaining the ability to store fluid to the control valve. Such an arrangement was implicit in the language previously recited in claim 1 and clearly distinguishes over that shown in Parr. Accordingly, it is believed that claim 1 clearly and patentably distinguishes over the Parr reference and as such is in order for allowance.

The Examiner has also objected to claim 8 and the claims dependent thereon in view of a combination of Parr and Huffman. Huffman is relied upon to show details of the accumulator and does not show details of the control circuit as set forth in claim 1. As noted above, the reference to Parr does not recite the arrangement of components in the hydraulic machine recited in claim 1, upon which claim 8 is dependent. Accordingly, the combination of Huffman and Parr does not teach the invention claimed in

claim 8 through 11 in that it fails to show or teach the provision of the fluid supply as recited in claim 1. As such, therefore, it is believed that claims 8 through 11 clearly and patentably distinguish over the combination applied by the Examiner.

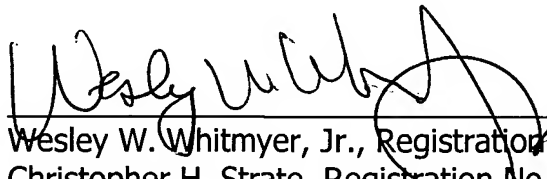
An amendment has been made to claim 14 as required by the Examiner so it is now dependent upon claim 12.

An amendment has also been made to claim 18 to provide an antecedent for the term "accumulator" previously appearing in the claim. In order to clarify the language of claim 18, an amendment similar to that made to claim 1 has been incorporated.

It is believed therefore that the application is now in order for allowance and action to that end is respectfully requested.

Respectfully submitted,

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